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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KEVIN M. DONNELLY (d/b/a Catwalk
Productions, d/b/a Catwalk Records),
An Individual,

Plaintiff,

v.

WOLF RECORDS, HANNES FOLTERBAUER

co-Defendants.

Case No. 08C 1256

Assigned Judge: Judge NORGLÉ

Designated

Magistrate Judge: Judge ASHMAN

ORDER

This matter coming before the Court upon Plaintiff's motion for judgment on the Default of the Defendants WOLF RECORDS and HANNES FOLTERBAUER, all parties given due notice, and the Court being fully advised in the premises; THIS COURT FINDS THAT:

As a result of the default of the Defendants, and upon showing harm to the Plaintiff, Plaintiff is entitled to the relief sought in his Complaint for monetary and equitable relief and for costs incident to this case, specifically,

1. Defendants had access to Plaintiff's copyrighted materials, namely, the album entitled *The Soul of Lefty Dizz* containing the songs *If I Could Get My Hands on You*, *Cloudy Weather*, *I Found Out*, *Chips Flying Everywhere*, *Bad Avenue*, *Sure Had a Wonderful Time*, *Woke Up This Morning*, *The Dozens* and *Can't Make Love Alone* (Copyright Certificate of Registration No. SR 92 766); and the song *Movin' In On You* (aka *The Dozens*) (Copyright Certificate of Registration No. Pau 785 985) (collectively, the album and song are referred to herein as the "Copyrighted Materials").

2. Plaintiff's copyright registrations raise a statutory presumption of Plaintiff's ownership of the Copyrighted Materials, the originality of the Copyrighted Materials, that the Copyrighted Materials are within the subject matter of copyright protection, and that Plaintiff has fully complied with all statutory formalities with regard to the Copyrighted Materials.

3. Defendants Wolf Records and Folterbauer released and distributed the albums *Chicago's Best West- and Southside Blues Singers Volume 2* and *Lefty Dizz* with the actual knowledge that these albums contained the Copyrighted Materials and violated Plaintiff's copyright rights therein.

4. Based upon Defendants' knowing violations of Plaintiff's copyright rights, Plaintiff is entitled to statutory damages, full costs of litigation, reasonable attorney's fees, and seizure and forfeiture of infringing articles pursuant to the provision of the United States Copyright Act (17 U.S.C. §§ 501-509).

IT IS ORDERED:

A. Defendants are jointly and severally ordered to pay Donnelly the amount of \$450,000.00 in statutory damages.

B. Defendants are jointly and severally ordered to pay Donnelly the amount of \$11,866.08 in court costs, legal fees and other costs incident to this action as of August 1, 2008.

C. Defendants are jointly and severally ordered to pay Donnelly for any and all attorney's fees and costs incident to the enforcement of this judgment against the Defendants in the United States and Austria.

D. Any and all monies, holdbacks, cash reserves and the like held, possessed or controlled by any United States-based distributors, manufacturers or vendors of any of the

Defendants or any and all persons acting in concert with or affiliated with any of the Defendants which would otherwise be payable to the Defendants, shall immediately be surrendered to Donnelly through his counsel, Andresen & Associates PC, at 3025 North California Avenue, Suite 4 S.E., Chicago, Illinois 60618-7009, upon written request by said counsel for same.

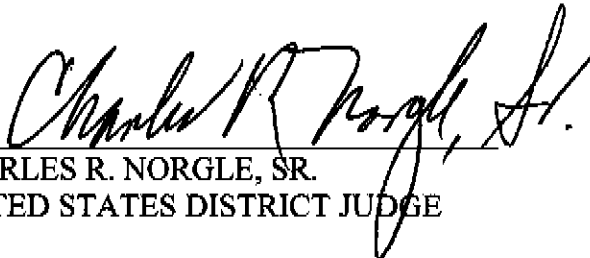
E. Defendants and their agents, employees, successors, assigns, distributors, and any and all other persons or entities acting in concert with or affiliated with them, are permanently enjoined and restrained from copying, reproducing, manufacturing, duplicating, disseminating, distributing, or otherwise using any portion of Donnelly's copyrighted album, *The Soul of Lefty Dizz* (Copyright No. SR 92 766), namely any actual or derivative sound recordings of the songs *Bad Avenue*, *I Could Get My Hands on You*, *Cloudy Weather*, *I Found Out*, *Chips Flying Everywhere*, *Sure Had a Wonderful Time*, *Woke Up This Morning*, *The Dozens* and *Can't Make Love Alone*, including without limitation as they are contained on Defendants' albums *Chicago's Best West- and Southside Blues Singers Volume 2* and *Lefty Dizz*.

F. Defendants, their agents, employees, successors, assigns, distributors, and any and all other persons or entities acting in concert with or affiliated with them, are permanently enjoined and restrained from copying, reproducing, manufacturing, duplicating, disseminating, distributing, or otherwise using any portion of Donnelly's copyrighted song, *Movin' In On You* (aka *The Dozens*) (Copyright No. Pau 785 985), including without limitation as it is contained on Defendants' albums *Chicago's Best West- and Southside Blues Singers Volume 2* and *Lefty Dizz*.

G. Defendants Wolf Records and Folterbauer are ordered to file, within 30 days of the issuance of this Order, a sworn report setting forth in detail the manner in which they have complied with the provisions of this Order.

H. Any and all copies of Defendant's albums *Chicago's Best West- and Southside Blues Singers Volume 2* and *Lefty Dizz*, as well as any masters, tapes or other means by which such copies may be reproduced, which are in the possession custody or control of the Defendants, any United States-based distributors, manufacturers or vendors of any of the Defendants, and any and all persons acting in concert with or affiliated with any of the Defendants, shall immediately be surrendered to Donnelly through his counsel, Andresen & Associates PC, at 3025 North California Avenue, Suite 4 S.E., Chicago, Illinois 60618-7009, upon written request by said counsel for same.

ENTERED: August 29, 2008


CHARLES R. NORGLER, SR.
UNITED STATES DISTRICT JUDGE